

Ordinance No. 119013

Council Bill No. 112165

AN ORDINANCE relating to parking rates and charges for the Garage at Pacific Place; authorizing certain amendments to the Parking Agreement authorized by Ordinance 118011.

OK

The City of Seattle - Legis
Council Bill/Ordinance spon

Comm

passed 20

5-26-98 Full Council

CF No. _____

Date Introduced: <u>5-11-98</u>	
Date 1st Referred: <u>5-11-98</u>	To: (committee) <u>Finance & Budget Committee</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>5-26-98</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor: <u>5-27-98</u>	Date Approved: <u>MAY 29 1998</u>
Date Returned to City Clerk: <u>JUN 1 1998</u>	Date Published: <u>2 pgs</u> T.O. <u>Z</u> F.T.
Date Voted by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready for presentation

Law Depart

Law Dept. Review

OMP
Review

me
The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Councilmember

Committee Action:

passed 2-0

Martha Chase

5-26-98 Full Council Action: Passed 8-0

(Excused: Steinbrueck)

This file is complete and ready for presentation to Full Council. Committee: _____

(Initial/date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

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OK
ce & Budget
Committee

29 1998

T.O.
F.T.

Z

ORDINANCE 119013

AN ORDINANCE relating to parking rates and charges for the Garage at Pacific Place; authorizing certain amendments to the Parking Agreement authorized by Ordinance 118011.

WHEREAS, on February 12, 1996, the City Council passed Ordinance 118011, authorizing the City to lease or otherwise acquire a parking garage on property commonly known as the "Systems Block," and authorizing the Mayor to sign an "Umbrella Agreement" and a "Parking Agreement" substantially in the forms attached thereto; and

WHEREAS, on April 1, 1996, the Mayor signed the Parking Agreement authorized by Ordinance 118011; and

WHEREAS, Schedule A attached to the Parking Agreement specifies the maximum rates to be charged at the parking garage, which has been named the "Garage at Pacific Place" (the "Garage"), before the City takes possession; and

WHEREAS, the Umbrella Agreement, as amended, requires the developer to operate the Garage for at least six months prior to leasing or otherwise transferring it to the City; and

WHEREAS, the operator selected by the developer to run the Garage until the City takes possession has recommended that parking charges be set in even dollar increments to facilitate the use of automated payment equipment; and

WHEREAS, Schedule B attached to the Parking Agreement specifies the maximum parking rates to be charged at the Garage during the first year the City is in possession, if and when the Garage is transferred to the City; and

WHEREAS, certain parking charges were inadvertently left out of the original agreement; and

WHEREAS, the Parking Agreement includes a complex set of provisions for establishing parking charges after the first year of City possession, depending on inflation, garage occupancy, market conditions, and the financial results of the Garage's operation; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

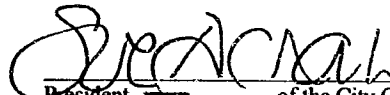
Section 1. The Mayor or his designee is authorized to sign an amendment to the Parking Agreement revising Schedules A and B as shown in the attachments to this ordinance.

Section 2. The Mayor or his/her designee is authorized to enter into subsequent amendments to the Parking Agreement to further amend Schedule A or B, or both, or to change the rate-setting provisions in the Parking Agreement without obtaining further Council approval. The Council shall be notified whenever such amendments to this Parking Agreement are made. This authorization is made solely with respect to the setting of rates for parking and related services at the Garage; no other amendments to the Umbrella Agreement or the Parking Agreement may be made without prior Council approval.

Section 3. Any acts consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

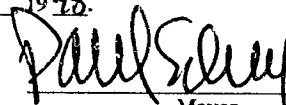
Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 26th day of May, 1998, and signed by me in open session in authentication of its passage this 26th day of May, 1998.



President of the City Council

Approved by me this 29th day of May, 1998.



Mayor

Filed by me this 1 day of June, 1998.



City Clerk

(seal)

SCHEDULE B

Parking rates shall not exceed the following, except that rates below will be subject to increases in the Index as described in Section 9.3.1.1:

Before 5:00 PM Monday through Saturday:

0 to 1 hour:	\$2.25
1 to 2 hours	\$4.00
2 to 3 hours	\$5.00
3 to 4 hours	(\$6.50) <u>\$7.00</u>

Each hour after 4 hours: \$2.00

After 5:00 PM daily (up to 4 hours): \$2.00

Sunday daytime rate (up to 4 hours) \$4.00

Each additional hour after 4 hours on evenings and Sundays: \$2.00

Self park daily maximum: \$18.00

Daily Valet Rates: \$8.00 for first 4 hours

Evening Valet Rates: \$6.00 for first 4 hours

~~((Each additional valet hour: \$2.00))~~

Each additional valet hour before 5:00 PM (after 4 hours) \$3.00

Each additional valet hour after 5:00 PM (after 4 hours) \$2.00

Valet daily maximum: \$18.00

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

SCHEDULE A

Initial rates for parking shall not exceed the following:

Before 5:00 PM weekdays:

0 to 1 hour	\$2.00	
1 to 2 hours	(\$3.50)	<u>\$4.00</u>
2 to 3 hours	(\$4.50)	<u>\$5.00</u>
3 to 4 hours	\$6.00	

Each hour after 4 hours: \$2.00

After 5:00 PM daily (up to 4 hours): \$1.00

Saturday/Sunday daytime maximum (up to 4 hours): \$3.00

Each additional hour after 4 hours on evenings and weekends: \$2.00

Self park daily maximum: \$18.00

Daily valet rates: ~~(((\$7.50))~~ \$8.00 for first 4 hours

Evening valet rates: ~~(((\$5.50))~~ \$5.00 for first 4 hours

~~((Each additional valet hour: \$2.00))~~

Each additional valet hour before 5:00 PM (after 4 hours) \$3.00

Each additional valet hour after 5:00 PM (after 4 hours) \$2.00

Valet daily maximum: \$18.00

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City of Seattle

Paul Schell, Mayor

Executive Services Department

Dwight D. Dively, Director

MEMORANDUM

DATE: May 7, 1998

TO: Honorable Sue Donaldson, President
Seattle City Council

FROM: Dwight Dively, Director *[Signature]*
Executive Services Department

SUBJECT: AN ORDINANCE relating to parking rates and charges for the Garage at Pacific Place; authorizing certain amendments to the Parking Agreement authorized by Ordinance 118011.

The attached ordinance authorizes the Mayor or his designee to execute agreements to amend Schedules A and B of the Parking Agreement for the Garage at Pacific Place. (Schedules A and B establish maximum parking charges at the Garage.)

The ordinance, which requires the Executive to inform the Council of Parking Agreement changes that will affect the Garage, applies only to the setting of rates for parking and related services. Other amendments to the Umbrella or Parking Agreements will continue to require Council approval prior to any changes being made.

I hope this ordinance meets with your approval and welcome any questions you may have. Please feel free to call me at 4-5212.

cc: Honorable Martha Choe
Maud Daudon, Deputy Mayor
Arlene Ragozin, Law Department

RECEIVED
MAY -7 PM 1:38
CITY ATTORNEY

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600 Fourth Avenue, Room 103, Seattle, WA 98104-1891

Tel: (206) 684-0484, TDD: (206) 233-7810, Fax: (206) 684-8286, <http://www.ci.seattle.wa.us>

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

FIRST AMENDMENT TO PARKING AGREEMENT

THIS FIRST AMENDMENT TO PARKING AGREEMENT ("Amendment") is made and entered into as of this 29th day of June, 1998 by and among PINE STREET DEVELOPMENT L.L.C., a Washington limited liability company ("PSD") and COMMUNITY DEVELOPMENT PROPERTIES, King County II, Inc., a Delaware non-profit corporation ("CDP"), as co tenants, THE CITY OF SEATTLE, a first class city of the State of Washington (the "City"), and NORDSTROM, INC., a Washington corporation ("Nordstrom").

RECITALS

1. On April 1, 1996, the parties to this Amendment executed a Parking Agreement ("Agreement") describing the operation and management of a parking garage named the "Garage at Pacific Place" ("Garage") located between Pine and Olive Streets and Sixth and Seventh Avenues in downtown Seattle, Washington.

2. Schedule A of the Agreement specifies the maximum parking rates to be charged at the Garage before the City takes possession of the Garage, and Schedule B of the Agreement specifies the maximum parking rates during the first year the City is in possession of the Garage, if and when the Garage is transferred to the City.

3. The Agreement Schedules described above were incomplete and omitted certain parking charges.

4. On May 26, 1998, the Seattle City Council passed Ordinance 119013 authorizing the Mayor or his designee to enter into amendments to the Agreement to modify the parking rate schedules or rate-setting provisions in the Agreement without obtaining further Council approval.

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants and promises of the parties, the adequacy and receipt of which is acknowledged, the parties hereby amend the Agreement as follows:

1. Schedules A and B of the Agreement are deleted in their entirety.
2. The Schedules attached to this Amendment as Schedules A and B are hereby incorporated into the Agreement in place of the deleted schedules set forth above.

Apart from the amendments set forth above, the terms and conditions of the Agreement shall continue in full force and effect.

FILED
CITY OF SEATTLE
98 SEP -9 AM 10:45
CITY CLERK

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IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

DEVELOPER:

PINE STREET DEVELOPMENT L.L.C.,
A Washington limited liability company

By: RGHK SEATTLE L.L.C., a Washington
limited liability company manager

By: [Signature]
Name: MARK GELFFIN
Title: Co-Manager

COMMUNITY DEVELOPMENT PROPERTIES,
KING COUNTY II, INC.,
a Delaware non-profit corporation

By: [Signature]
Name: JOHN FINKE
Title: PRESIDENT

NORDSTROM:

NORDSTROM, INC., a Washington corporation

By: [Signature]
David L. Mackie
Vice President, Real Estate

CITY:

THE CITY OF SEATTLE, a first class city of the
State of Washington

By: [Signature]
Paul E. Schell
Mayor

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SCHEDULE A

Initial rates for parking shall not exceed the following:

Before 5:00 PM weekdays:

0 to 1 hour	\$2.00
1 to 2 hours	\$4.00
2 to 3 hours	\$5.00
3 to 4 hours	\$6.00

Each hour after 4 hours: \$2.00

After 5:00 PM daily (up to 4 hours): \$1.00

Saturday/Sunday daytime maximum (up to 4 hours): \$3.00

Each additional hour after 4 hours on evenings and weekends: \$2.00

Self park daily maximum: \$18.00

Daily valet rates: \$8.00 for first 4 hours

Evening valet rates: \$5.00 for first 4 hours

Each additional valet hour before 5:00 PM (after 4 hours) \$3.00

Each additional valet hour after 5:00 PM (after 4 hours) \$2.00

Valet daily maximum: \$18.00

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SCHEDULE B

Parking rates shall not exceed the following, except that rates below will be subject to increases in the Index as described in Section 9.3.1.1:

Before 5:00 PM Monday through Saturday:

0 to 1 hour	\$2.25
1 to 2 hours	\$4.00
2 to 3 hours	\$5.00
3 to 4 hours	\$7.00

Each hour after 4 hours: \$2.00

After 5:00 PM daily (up to 4 hours): \$2.00

Sunday daytime rate (up to 4 hours): \$4.00

Each additional hour after 4 hours on evenings and Sundays: \$2.00

Self park daily maximum: \$18.00

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Evening Valet Rates: \$6.00 for first 4 hours

Each additional valet hour before 5:00 PM (after 4 hours) \$3.00

Each additional valet hour after 5:00 PM (after 4 hours) \$2.00

Valet daily maximum \$18.00

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STATE OF WASHINGTON - KING COUNTY

94284
City of Seattle, City Clerk

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119013

was published on

06/12/98

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

06/13/98

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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will request the In re the Estate of Henry
to fix a time and place for Ordinance No. 119013

City of Seattle

ORDINANCE 119013

AN ORDINANCE relating to parking rates and charges for the Garage at Pacific Plaza; authorizing certain amendments to the Parking Agreement authorized by Ordinance 118011.

WHEREAS, on February 12, 1936, the City Council passed Ordinance 118011, authorizing the City to lease or otherwise acquire a parking garage on property commonly known as the "Systems Block" and authorizing the Mayor to sign an "Umbrella Agreement" and a "Parking Agreement" substantially in the forms attached thereto; and

WHEREAS, on April 1, 1936, the Mayor signed the Parking Agreement authorized by Ordinance 118011; and

WHEREAS, Schedule A attached to the Parking Agreement specifies the maximum rates to be charged at the parking garage, which has been named the "Garage at Pacific Plaza" (the "Garage"), before the City takes possession; and

WHEREAS, the Umbrella Agreement, as amended, requires the developer to operate the Garage for at least six months prior to leasing or otherwise transferring it to the City; and

WHEREAS, the operator selected by the developer to run the Garage until the City takes possession has recommended that parking charges be set in even dollar increments to facilitate the use of automated payment equipment; and

WHEREAS, Schedule B attached to the Parking Agreement specifies the maximum parking rates to be charged at the Garage during the first year the City is in possession, if and when the Garage is transferred to the City; and

WHEREAS, certain parking charges were inadvertently left out of the original agreement; and

WHEREAS, the Parking Agreement includes a complete set of provisions for establishing parking charges after the first year of City possession, depending on inflation, garage occupancy, market conditions, and the financial results of the Garage's operation; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. The Mayor or his designee is authorized to sign an amendment to the Parking Agreement revising Schedules A and B as shown in the attachments to this ordinance.

SECTION 2. The Mayor or his/her designee is authorized to enter into subsequent amendments to the Parking Agreement to further amend Schedules A or B, or both, or to change the rate-setting provisions in the Parking Agreement without obtaining further Council approval. The Council shall be notified whenever such amendments to this Parking Agreement are made. This authorization is made solely with respect to the setting of rates for parking and related services at the Garage; no other amendments to the Umbrella Agreement or the Parking Agreement may be made without prior Council approval.

SECTION 3. Any acts consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

SECTION 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but it shall not become effective until it is approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 28th day of May, 1936, and signed by me in open session in authentication of its passage this 26th day of May, 1936.

SUE DONALDSON,
President of the City Council,
Approved by me this 26th day of May, 1936.

PAUL SCHELL,
Mayor,
Filed by me this 1st day of June, 1936.

JUDITH E. PIPPIN,
City Clerk,
Publication ordered by JUDITH E. PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, June 12, 1936.
6/12/36(286)

STATE OF WASHINGTON - KING COUNTY

City Clerk

—SS.

No. ORDINANCE IN

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The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTORD: 119013

was published on

06/12/38

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on

06/13/38

Notary Public for the State of Washington,
residing in Seattle

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